

3721  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Masao Fukuda, et al.

Attorney Docket No.: ISHDP165D1

Application No.: 09/996,624

Examiner: C.R. Harmon

Filed: November 28, 2001

Group: 3721

Title: PACKAGING MACHINE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, Alexandria, Virginia 22313-1450 on June 24, 2003.

Signed: 

Deborah Neill

AMENDMENT TRANSMITTAL

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JUL 03 2003

Commissioner for Patents  
Alexandria, Virginia 22313-1450

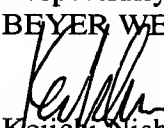
TECHNOLOGY CENTER R3700

Sir:

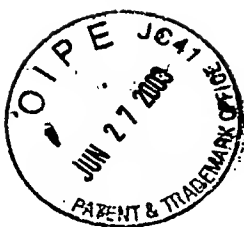
Transmitted herewith is an Amendment for the above-identified application.

- ☒ Applicants believe that no Extension of Time is required; however, if it is determined that such an extension is required, Applicants hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388 (Order No. ISHDP165D1).
- ☒ Please charge any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. ISHDP165D1).

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

  
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Berkeley, CA 94704-0778  
(510) 843-6200



Reg for Record  
# 11

7/7/03

B Ross

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Masao Fukuda, et al.  
Serial No.: 09/996,624  
Filed: November 28, 2001  
For: PACKAGING MACHINE  
Group Art Unit: 3721  
Examiner: C. R. Harmon  
Attorney Docket: ISHD P165D1

**CERTIFICATE OF MAILING**

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Deborah Neill

**AMENDMENT "B"**

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**Box Non Fee Amendment**  
Commissioner for Patents  
Arlington, Virginia 22313

Sir:

In response to the non-final Office Action dated April 1, 2003 in the above-referenced application, applicant submits the following REMARKS:

**REMARKS**

Claims 1-5 and 18-20 currently remain in the application. Claims 6-17 have been cancelled.

Claims 1, 4 and 5 were rejected under 35 U.S.C. 102 as being anticipated by Fukuda (5125217) and claim 3 was rejected under U.S.C. 103 over Fukuda. It is well settled that rejection of a claim under 35 U.S.C. 102 is justified only if a single reference describes every inventive element of the rejected claim. Since Fukuda does not describe every inventive element of independent claim 1, it should be concluded that the Examiner should withdraw